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PROFESSIONAL AND OCCUPATIONAL STANDARDS

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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIV. Commercial Driving Schools and Instructors

Chapter 1. General Provisions

§101. Definitions

Agent Any person, whether employed by a commercial driving school or operating in his behalf, or whether acting in behalf of any school located within or outside of this state who shall personally solicit any individual within this state to enroll in a commercial driving school.

Commercial Driving Schools and Commercial Driver Training Schools A school maintained, classes conducted or instruction offered by any individual, for a consideration, profit or tuition, the purpose of which is to educate or train an individual or individuals, either practically or theoretically or both to operate or drive a motor vehicle.

Department Any reference herein to the department shall be construed as referring to the Louisiana Department of Public Safety and Corrections, acting directly or through its duly authorized officers and agents.

Motor Vehicles Every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Operator Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

Person Every natural person, firm, copartnership, association or corporation.

Revocation Licensee privilege to operate a commercial driving school or to instruct (as provided in these regulations) is terminated for at least one year or indefinitely.

Secretary Department of Public Safety and Corrections.

Solicitor Any individual, firm or corporation who sells, offers for sale, or attempts to sell any product or service.

Street or Highway The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Suspension License privilege to operate a commercial driving school or to instruct (as provided in these regulations) is temporarily withdrawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:22 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§103. General Regulations and Policies

A. If the department finds that the application and the school or classes or agent for which a license is sought complies with the provisions of this Act and the rules and regulations of the department promulgated under the provisions of this Act, the department shall issue a license to the applicant.

B. The applicant or licensee must not have been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency or immoral conduct.

C. No employee of the Department of Public Safety and Corrections, whose duties relate in any way to the issuance of state driver's licenses, shall be connected with any commercial driving school.

D. The school shall agree to permit the department and its representatives to inspect the school and shall make available to the department, when requested to do so, full information pertaining to any or all items of information contained in the application form, and shall permit them to make photostatic copies of the school records required to be kept by the department.

E. A school shall not use any name other than its licensed name for advertising or publicity purposes, nor shall a school advertise or imply that it is "supervised," "recommended," or "endorsed" by the State Department of Public Safety and Corrections. Nor shall the school use the word *state* or *education* in any part of the school name. No commercial driving school shall advertise in any way until such time as the school is properly licensed by the State of Louisiana Department of Public Safety and Corrections.

F. The driving school must exhibit on all motor vehicles licensed by the department a sign identifying the name of the school. This identification must be on the front, side, or rear of the motor vehicle in at least 2-inch letters. A portable sign may be attached securely to the rear bumper or on the top of the motor vehicle visible from the rear provided it conforms to the above requirements.

G. An owner, instructor, agent or employee of a driving school shall not give the impression to a student that upon the completion of the course, the securing of a driver's license to operate a motor vehicle will be guaranteed.

H. No commercial driving school instructor, employee, or agent will be permitted to accompany any student into any examining office rented, leased, or owned by the Department of Public Safety and Corrections for the purpose of assisting student taking a driver's license examination.

I. No commercial driving school instructor, employee or agent will be permitted to loiter in or on the premises rented, leased, or owned by the Department of Public Safety and Corrections.

J. No commercial driving school instructor, employee, or agent shall be permitted to personally solicit any individual on the premises rented, leased, or owned by the Department of Public Safety and Corrections or public or private school for the purpose of enrolling them in any commercial driving school.

K. No commercial driving school instructor, employee, or agent shall be permitted to use the space provided on the premises of any office rented, leased, or owned by the Department of Public Safety for parallel parking during the hours while driving tests are being conducted.

L. No agent shall solicit or act in behalf of any driving school without being properly licensed by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:24 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§105. Revocation or Suspension

A. Any license or certificate may be suspended or revoked by the secretary for any of the following specific violations. The secretary may suspend or revoke any license or certificate mentioned in this law if he shall find:

1. the licensee has violated any provision of this Act or any of the rules and regulations of the Department of Public Safety and Corrections;

2. that the applicant or licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, or immoral conduct. If it involves the owner of the school, then the owner's license will be revoked. If it involves the instructor, then the instructor's certificate will be revoked;

3. that the applicant or licensee has knowingly represented to the Department of Public Safety false or misleading information relating to licensure;

4. that the applicant, licensee, any instructor or agent is addicted to the use of alcoholic liquors, morphine, cocaine or other drugs having similar effect, or has become incompetent;

5. that the owner or licensee has failed or refused to permit the Department of Public Safety and Corrections or its representatives to inspect the school or class, or motor vehicles which are used to teach its students or full information pertaining to any or all the items contained in an application form or to its program;

6. the applicant has failed or refused to submit to the department an application for license in the manner prescribed by the department;

7. that a licensed instructor, agent or owner has failed or refused to produce his license when requested to do so either by prospective students or officials of the Department of Public Safety and Corrections;

8. that an applicant or licensee has failed to maintain adequate standards of instruction or qualified instructors or equipment sufficient to maintain the school or classes;

9. that the licensee is employing instructors, persons, or agents who have not been properly licensed;

10. that there has been a change in ownership or location of the school without advising the Department of Public Safety and Corrections immediately;

11. that instructor, agent, or owner has aided or assisted a person in obtaining a driver's license by fraudulent procedure; the license or certificate will be revoked permanently;

12. the licensee or instructor is instructing students contrary to the restrictions imposed on the student's driver's license;

13. unauthorized possession of application forms or questionnaires used by the Department of Public Safety in conducting driver's license examinations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:24 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§107. Penalties

A. Any person who shall violate or fail to comply with any of the provisions of this Act or any of the rules or regulations promulgated thereunder, shall be punished by having his or her license revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:24 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

Chapter 3. Driving Schools

§301. Application for Original Commercial Driving School License

A. Before any license is issued, an application shall be made in writing to the department on a form prepared and furnished by the department, which shall include a statement showing:

1. the title or name of the school or classes together with ownership and controlling officers and when originated;

2. the specified course of instruction which will be offered;

3. the places where such instruction will be given;
4. the qualifications of instructors, agents and supervisors in each specified field together with their name, addresses and other information required on form.

B. Other Data to Accompany Application

1. Applicants or any officer or partner thereof shall be required to furnish, with the application, three sets of photographs taken within 30 days to date of filing and must be presented with the application. All pictures must be identical 1 1/2 square and must show full face view of neck, shoulders and uncovered head.

2. Two sets of fingerprints of each digit on the right and left hands accompanied by an affidavit from some parish or city enforcement officer (qualified to take prints) that the photographs and fingerprints are those of the applicant.

3. A statement from a physician certifying mental ability, visual acuity, and that applicant does not have any contagious diseases, hearing ailments, epilepsy, dizzy spells or fainting spells.

4. Evidence must be furnished with application that each instructor or agent employed by the school is in possession of a valid instructor's certificate or agent's card issued by the department on prescribed form only after proper inquiry has been made and all necessary information furnished.

5. A certified copy of certificate of adopted business name in the event that the business is to be conducted under an adopted business name.

6. Samples of any and all contracts to be used by the school.

7. Sample copies of all forms or receipts to be used by the school.

8. Copies of all forms used by the school which will be furnished or delivered to students.

9. If a driving school has agents or solicitors employed, a copy of the financial agreement between the school and the agent or solicitor must be attached to his application when forwarded to the department.

C. License Fees

1. Every application for a license must be accompanied by an application fee of \$25 for the school and \$10 for each individual instructor. If the application is approved, a fee of \$25 for the school and \$10 for instructor will be charged each time the license is renewed. Licenses must be renewed by December 31 of each calendar year.

2. All license fees shall be paid by money order or certified check, payable to the State Department of Public Safety and Corrections, P.O. Box 64886, Baton Rouge, LA 70896, and attached to the application form.

D. Effective Date. Each original license, instructor's certificate or agent I.D. card shall be valid for a period of one year from January 1 to December 31.

E. Nontransferability. Licenses shall not be transferable. In the event of change of ownership, application for a new license shall be made and the old license must be surrendered to the secretary before a license will be issued to the new owner. The fee for the new license is \$25 for each school and \$10 for each individual instructor payable as set forth above and shall accompany the application for the new license.

F. Display. The license must be conspicuously displayed in the licensee's principal place of business at all times.

G. Loss, Mutilation or Destruction of License, Instructor's Certificate, Agent's I.D. Card or Vehicle Registration Card. If one of the above licenses is lost or destroyed, a duplicate will be issued upon proof of the facts, and in case of mutilation upon surrender of such license. Such proof shall consist of an affidavit indicating:

1. date the license was lost, mutilated or destroyed;
2. the circumstances involving the loss, mutilation or destruction;
3. the name of the police department or police authority to which report was made, and date of such report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:22 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§303. Changes in Officers or Addresses

A. The State Department of Public Safety and Corrections must be notified in writing immediately if there is any change in the address of the owner, partner, officer, or driving instructor of any commercial driving school.

B. The department must be notified in writing within 10 days of any changes in the officers, directors, or stockholders or any corporation in holding a license. In such cases, each new officer, director or stockholder must supply the same information as would be required on an original application by the corporation.

C. Failure to inform the department of the above changes shall be ground for suspension or revocation of the driving school's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§305. Renewal

A. Application for renewal of license shall be made on the prescribed form, accompanied by a fee of \$25 and \$10 for each individual instructor payable to the State Department of Public Safety and Corrections by money order or certified check, which is returnable in the event the application for renewal is not approved.

B. Renewal application forms for school license, vehicle registration cards, instructor's certificate, and current physical examination on each license renewal must be submitted to the Department of Public Safety and Corrections 30 days prior to the time the license expires. Owners who permit their license to expire will not be able to operate their school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§307. Location

A. No commercial driving school shall be located within 300 feet of any building or a portion thereof used for the purpose of conducting Louisiana state drivers= license examinations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§309. Office Requirements

A. All commercial driving schools shall operate from an office in the following manner.

1. The school's license must be placed in the business.
2. All records pertaining to the operation of the school shall be maintained in this office and available for inspection upon request (contracts, card files, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§311. Commercial Driving School Name

A. No commercial driving school shall use, adopt, or conduct any business under a name that is like or deceptively similar to a name used by another driving school without the approval of the secretary of the Department of Public Safety and Corrections. The school shall not use the word *state* or *education* in any part of the school name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§313. Branch Offices

A. A commercial driving school desiring to open a branch office in a different location or operating one at the present time shall make application on the usual form set forth in these rules and regulations prescribed by the secretary, accompanied by the application fee of \$25 and an

additional \$10 for each individual instructor, which shall not be refunded.

B. Where the owner of a branch office is conducting business under an adopted name and the branch office is to be located in a parish other than that in which the principal place of business is located, the owner must submit with his application, a copy of a certificate of adopted business name, certified by the clerk of the parish in which such branch office is to be located.

C. If a branch office is discontinued, the branch office license must be surrendered to the secretary or his authorized representative. Each branch office must be equipped to and shall perform substantially the same services as apply to the principal place of business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§315. Records

A. Every licensee shall maintain the following records:

1. a permanently bound book or a card file, setting forth the name and address, with respect to every person giving lessons, lectures, tutoring, instructions of any kind, or any other services relating to the instructions in the operation of a motor vehicle;
2. the book or card file shall also contain records showing the date, type, and duration of all lessons, lectures, tutoring and instructions including the name of the instructor giving such lessons and the tag number, make and model of the vehicle used to conduct the road test;
3. all instructors are required to ascertain before giving driving instruction, that the student possesses a state learner's permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, R.S. 12:446 (July 1986).

§317. Contracts

A. Contracts must comply with the following and contain the following information:

1. date contract was signed;
2. name and address of school;
3. name and address of student;
4. student's date of birth, description, etc.;
5. type of vehicle to be used in giving instructions;
6. if an additional charge is made for the use of school vehicle in taking actual driving test, or for picking up a student or taking him to his residence or destination, there must be a designation for such in the contract;

7. list of equipment in vehicle to be used for training;
8. number of hours students will be trained;
9. total fee for instruction;

10. contract is to be signed by both parties and witnessed. The original is to be given to the student taking instructions and a carbon duplicate thereof must be retained by the school.

B. The contract must contain the following statement.

1. It is agreed that an owner, instructor, agent or employee of this school shall not give the impression to a student that upon completion of their instructions, this school will guarantee the securing of a driver's license to operate a motor vehicle.

2. This school will not refund (or will refund) any tuition or part of tuition if school is ready, willing and able to fulfill its part of the contract. The term "NO REFUND" is not permitted in contracts.

3. Appointments must be canceled in writing 24 hours in advance to avoid forfeit of a lesson.

C. The contract may contain the following statement. It is understood that upon the signing of the contract all instruction must be completed within 60 days (optional).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§319. Insurance and Safety Requirements

A. No school vehicle certificate will be issued unless and until the licensee has filed with the secretary, evidence of insurance in a company authorized to do business in this state in the amount of at least \$25,000 because of bodily injury to, or death of, any one person in any one accident and subject to said limit for one person, to a limit of at least \$50,000 because of bodily injury or death of two or more persons in any one accident, and to a limit of \$10,000 because of destruction of property of others in any one accident. The driving school shall furnish evidence of such insurance coverage in the form of a certificate from the insurance carrier, which shall stipulate that the secretary shall be notified when the policy expires or is canceled, and shall include make, model, motor or serial number.

B. Fleet Policies. If the driving school is covered under a fleet plan and desires to add another vehicle to its fleet, advise the insurance company to notify the Department of Public Safety and Corrections that this unit (with make, model, motor or serial number) has been added; the insurance company need not furnish the department a copy of the insurance policy with the addition of the vehicle.

C. Every motor vehicle used for practical driver training shall have a current Louisiana license plate with special equipment as follows:

1. operable extra brake;
2. extra clutch pedals where vehicle has conventional shift;
3. rearview mirrors, one on each side of the vehicle; and
4. cushions for the proper seating of students when necessary.

D. Proof of insurance must be maintained in the vehicle in accordance with R.S. 32:863.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§321. Program of Instruction

A. Theoretical instruction shall include subject matter relating to rules and regulations of the road, safe driving practices, pedestrian safety, and the driver's responsibility.

B. Practical instruction shall include the demonstration of and actual instructions in stopping, starting, shifting, turning, backing, parallel parking, and steering in a dual controlled vehicle which meets the department's requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:23 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

Chapter 5. Driving Instructors

§501. Application for Instructor's Certificate

A. All applications for an instructor's certificate must be accompanied by a notarized statement from the owner (unless the owner is making application) of the driving school listing the person's name in full, address, and that said person is or will be employed by the school. This applies to renewals and original applications. Applicant must be a Louisiana resident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:24 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

§503. Carrying Certificates

A. The instructor's license certificate and student learner's permit must be carried in the vehicle at all times while driving instructions are being given.

B. An agent shall have in his or her possession his or her identification card while acting in behalf of the school he or she is licensed to represent.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

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§505. Instructor Qualifications

A. Every instructor in a school shall be a citizen of the United States, at least 18 years of age, and a person of good moral character.

B. Every instructor shall have a valid chauffeur's license issued by the state of Louisiana before making application for an instructor's certificate.

C. Every instructor must maintain, during any consecutive three-year period, a driving record which does not include more than one chargeable accident. Any violation resulting in suspension or revocation will

automatically cause the cancellation of the instructor's certificate.

D. The visual acuity of an instructor cannot be worse than 20/40 in one eye and 20/50 in the other, with or without glasses. An instructor cannot be missing an eye, hand or foot.

E. No person shall perform any instructional duties as an owner or employee of any school or branch thereof unless such person shall meet the qualifications for instructors as herein provided and all instructional personnel must possess a valid instructor's permit issued by the State Department of Public Safety and Corrections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Motor Vehicles, LR 6:24 (January 1980), amended by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 12:446 (July 1986).

Part XXXIV. Commercial Driving Schools and Instructors

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